

Please Direct All Correspondence to Customer Number **20995****TRANSMITTAL LETTER****INFORMATION DISCLOSURE STATEMENT**

App. No. : 09/111,604  
Applicants : Mohamed K. Diab et al.  
Filed : July 7, 1998  
TC/A.U. : 3736  
Examiner : Eric F. Winakur  
  
Title : SIGNAL PROCESSING  
APPARATUS  
  
Docket No. : MASIMO.007C3  
Customer No. : 20,995

**Certificate Of Mailing**

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, on

July 22, 2005

(Date)

John M. Grover, Reg. No. 42,610

**Mail Stop Amendment**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

Enclosed for filing in the above-identified application are:

- (X) An Information Disclosure Statement and PTO/SB/08 equivalent listing references for consideration:
- (X) Listing 6 references.
  - (X) Enclosing 6 references.
- (X) Return prepaid postcard.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 11-1410.

John M. Grover  
Registration No. 42,610  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404

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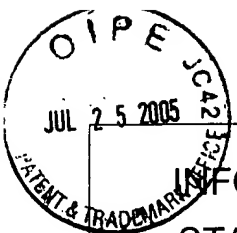
Dear Sir:

Enclosed for filing in the above-identified application is an Information Disclosure Statement (IDS) by Applicant (PTO/SB/08 equivalent) listing 6 references to be considered by the Examiner. The 6 references supplement the June 15, 2005 IDS submitted herein in accordance with M.P.E.P. § 2001.06(c) identifying the existence of litigation and references associated therewith. Moreover, this IDS is being filed before the receipt of a first Office Action on the merits, and presumably no fee is required. However, if necessary, the Commissioner is authorized to charge the fee set forth in 37 C.F.R. § 1.17(p) to Deposit Account No. 11-1410.

Respectfully submitted,  
KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: July 22, 2005

By:   
John M. Grover  
Registration No. 42,610  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

|                                       |                      |                        |
|---------------------------------------|----------------------|------------------------|
|                                       | Application No.      | 09/111,604             |
|                                       | Filing Date          | July 7, 1998           |
|                                       | First Named Inventor | Mohamed K. Diab et al. |
|                                       | Art Unit             | 3736                   |
| (Multiple sheets used when necessary) | Examiner             | Eric F. Winakur        |
| SHEET 1 OF 1                          | Attorney Docket No.  | MASIMO.007C3           |

**U.S. PATENT DOCUMENTS**

| Examiner<br>Initials | Cite<br>No. | Document Number<br>Number - Kind Code (if known)<br>Example: 1,234,567 B1 | Publication Date<br>MM-DD-YYYY | Name of Patentee or Applicant | Pages, Columns, Lines Where<br>Relevant Passages or Relevant<br>Figures Appear |
|----------------------|-------------|---|--------------------------------|-------------------------------|--|
|                      |             |   |                                |                               |  |
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|                      |             |   |                                |                               |  |

**FOREIGN PATENT DOCUMENTS**

| Examiner<br>Initials | Cite<br>No. | Foreign Patent Document<br>Country Code-Number-Kind Code<br>Example: JP 1234567 A1 | Publication<br>Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant | Pages, Columns, Lines<br>Where Relevant Passages or<br>Relevant Figures Appear | T <sup>1</sup> |
|----------------------|-------------|--|-----------------------------------|----------------------------------|--|----------------|
|                      |             |  |                                   |                                  |  |                |
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|                      |             |  |                                   |                                  |  |                |
|                      |             |  |                                   |                                  |  |                |

**NON PATENT LITERATURE DOCUMENTS**

| Examiner<br>Initials | Cite<br>No. | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T <sup>1</sup> |
|----------------------|-------------|---|----------------|
|                      | 1           | Supplemental Response to Plaintiff Masimo's First Set of Interrogatories to Defendant Mallinckrodt Inc. Pursuant to FED.R.CIV.P.26(e).  |                |
|                      | 2           | Nellcor's Second Supplemental Response to Masimo's First Set of Interrogatories in Consolidated Case (No. 2), dated 7/14/03.  |                |
|                      | 3           | Addendum to Nellcor's Second Supplemental Response to Masimo's First Set of Interrogatories in the Consolidated Case (No. 2), dated 7/15/03.  |                |
|                      | 4           | Second Addendum to Nellcor's Second Supplemental Response to Masimo's First Set of Interrogatories in the Consolidated Case (No. 2), dated 8/10/03.   |                |
|                      | 5           | Third Addendum to Nellcor's Second Supplemental Response to Masimo's First Set of Interrogatories in the Consolidated Case (No. 2), dated 8/13/003.   |                |
|                      | 6           | Nellcor's October 13, 2003 Supplemental and Revised Response to Masimo's First Set of Interrogatories in the Consolidated Case (No. 2), dated 10/13/03.   |                |

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|--|-----------------|
| Examiner Signature   | Date Considered |
| <b>*Examiner:</b> Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. |                 |

T<sup>1</sup> - Place a check mark in this area when an English language Translation is attached.